

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL MATHIE, IV,

Plaintiff,

-v.-

9:05-CV-0848
(DNH)(RFT)

GLENN S. GOORD, Commissioner, *et al.*,

Defendants.

APPEARANCES:

MICHAEL MATHIE
Plaintiff, *pro se*
90-T-1282
Riverview Correctional Facility
PO Box 247
Ogdensburg, NY 13669

RANDOLPH F. TREECE, U.S. MAGISTRATE JUDGE

ORDER

Presently before this Court is an Amended Complaint from *pro se* Plaintiff Michael Mathie. Dkt. No. 2. Mathie does not seek to add additional parties but rather sets forth additional facts to support his claims.

Rule 15(a) of the Federal Rules of Civil Procedure governs amendment of pleadings. It provides, in pertinent part, that “a party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served.” FED R. CIV. P. 15(a). In this action, no Answer has been filed by the Defendants. Rather, it appears that service of the Original Complaint has yet to be perfected. Therefore, Plaintiff may serve his Amended Complaint as a matter of right.

WHEREFORE, it is hereby

ORDERED, that the Clerk shall issue Summonses and forward them, along with copies of

the Amended Complaint, to the Plaintiff who shall arrange for service of the amended Complaint on the Defendants in accordance with the Federal Rules of Civil Procedure; and it is further

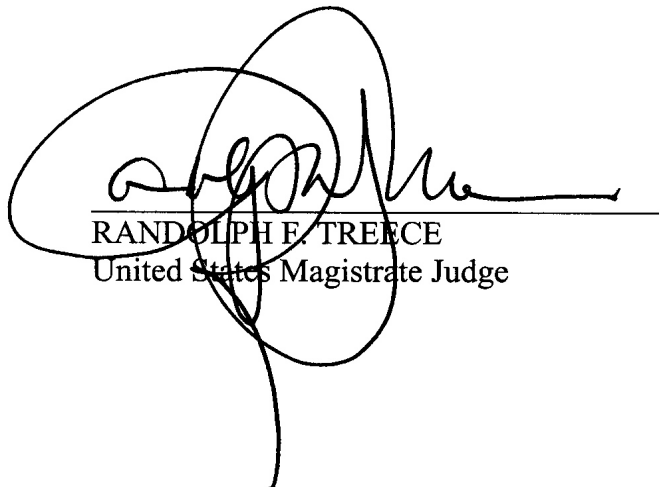
ORDERED, that a formal response to Plaintiff's Amended Complaint be filed by the Defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the Defendants; and it is further

ORDERED, that any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of same was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy of same was served upon all opposing parties or their attorneys is to be returned, without processing, by the Clerk. Plaintiff shall comply with all requests by the Clerk's Office for any documents that are necessary to maintain this action; failure to do so will result in the dismissal of the instant action. Plaintiff is also required to promptly notify the Clerk's Office and counsel for the Defendants of any change in his address; failure to do same will result in the dismissal of the instant action. All motions shall comply with the Local Rules of Practice of the Northern District; and it is further

ORDERED, that the Clerk serve a copy of this Order on Plaintiff by regular mail.

IT IS SO ORDERED.

Date: August 30, 2005
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge